



# UNITED STATES PATENT AND TRADEMARK OFFICE

MN

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/628,010

07/25/2003

Jean-Francois Le Pennec

2002-0149

4000

7590

04/12/2007

Mr. S.H. Dworetsky  
AT & T Corp., Room 2A-207  
One AT&T Way  
Bedminster, NJ 07921

EXAMINER

DAILEY, THOMAS J

ART UNIT

PAPER NUMBER

2152

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
--	-----------	---------------

3 MONTHS

04/12/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/628,010

Applicant(s)

LE PENNEC ET AL.

Examiner

Thomas J. Dailey

Art Unit

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 1-8 are pending in this application.

### ***Claim Objections***

2. Claims 5 and 6 objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.
3. Claim 1 is objected to because it recites, "Data transmission system." It should recite, "A data transmission system." Appropriate correction is required.
4. Claims 1, 4, and 7, are object to because they contain numeric references to the figures (e.g. claim 1, line 3, "...Wide Area Network WAN (115) and to the Public Switched Telephone Network PSTN (130)). These numeric references to the figures should be removed from the claims. Appropriate correction is required.
5. Claim 1 is object to because on lines 2-3 it recites, "...Wide Area Network WAN and to the Public Switched Telephone Network PSTN..." WAN and PSTN should be put in parentheses so as to make it clear that they are acronyms for what was recited previously. Appropriate correction is required.

6. Claims 2-4 and 7-8 are objected to because they all recite, "Data transmission system according to claim ..." They should recite, "The data transmission system according to claim..." Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

7. The following are quotations of the first and second paragraphs of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claim 3 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.
9. Claim 3, recites on lines 3-4, "an IP address in a file including the IP address for the Telnet protocol." The specification does not enable one of ordinary skill in the art to associate an IP address with a protocol (a protocol being defined, to those of ordinary skill in the art, as a set of rules governing the format of messages that are exchanged between computers).

10. Claims 1-4 and 7-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

11. As to claim 1, the following limitations have insufficient antecedent basis:

- (a) "the Telnet client function" on line 2
- (b) "the proxy function" on line 8
- (c) "this one" on line 14
- (d) "the Telnet access" on line 14

12. As to claim 2, "the default gateway" recited on line 3, lacks antecedent basis.

13. As to claims 3-4 and 7-8, they are rejected due to their dependence on the previously rejected claims.

***Claim Rejections - 35 USC § 103***

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claim 1-4 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Benayoun et al (US Pub. No. 2001/0056476), hereafter "Benayoun," in view of Westfield (US Pat. 6,470,390).

16. As to claim 1, Benayoun discloses a data transmission system comprising a server system connected to a Wide Area Network WAN and to the Public Switched Telephone Network PSTN ([0052], lines 1-7) and a client system not provided with a modem and to which said server system may gain access ([0052], lines 1-7);

said system being characterized in that it comprises a data processing device provided with the proxy function and being connected to said PSTN and to said client system by the intermediary of a Local Area Network LAN ([0053], lines 1-5, proxy server reads on data processing device), said data processing device including proxy means for completing a connection with said server system through said PSTN ([0053], lines 4-10) and for establishing a second connection with said client system upon receiving a request from said server system so that this one can gain access to said client system ([0053], lines 10-19).

Benayoun does not disclose where the server system is a workstation provided with Telnet functionality and the client system is a Telnet manageable device and that the workstation may gain access using the Telnet protocol, and

Art Unit: 2152

further where the connections are telnet connections granting telnet access.

Rather, Benayoun gives the general structure of the system, i.e. it has two connections one between the server system and the data processing device and one between the data processing device and the client system, but does not impose protocol specific functionality (such as Telnet in the claimed invention) or uses for the underlining structure (remote access via Telnet in the claimed invention).

However, Westfield discloses a workstation (Fig. 2, label 200) provided with Telnet functionality and a Telnet manageable device (Fig. 2, label 290), and Telnet connections that are established upon receiving a request from said workstation so that it can gain Telnet access to said Telnet manageable device (column 2, lines 55-67).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Benayoun and Westfield in order to utilize the structure of Benayoun in order to carry out remote login functions across heterogeneous networks utilizing a well known protocol, Telnet.

17. As to claim 2, Benayoun and Westfield disclose the invention substantially with regard to the parent claim 1, and further disclose said telnet client function corresponds to a legacy Telnet client (Westfield, column 2, lines 55-67) and

wherein said proxy means are adapted to gain access to the default gateway configured in the IP stack of said data processing device upon receiving a request from said help desk workstation (Benayoun, [0053], the proxy server (data processing device) inherently has a default IP gateway and IP stack as it is the intermediary between the IP network and circuit switched network).

18. As to claim 3, Benayoun and Westfield disclose the invention substantially with regard to the parent claim 1, and further disclose said Telnet client function corresponds to a legacy Telnet client (Westfield, column 2, lines 55-67) and wherein said proxy means are adapted to gain access to an IP address in a file including the IP address for the Telnet protocol (Benayoun, [0098], lines 1-4, where the Authorization table, accessible by the proxy server, stores IP address information related to the devices on the IP network [0100]-[0102]).

19. As to claim 4, Benayoun and Westfield disclose the invention substantially with regard to the parent claim 1, and further disclose said proxy means modify the IP address of the request message received from said help desk workstation before sending said request message with the modified IP address to said Telnet manageable device (Benayoun, [0098] and [0100]-[0102]).

20. As to claim 8, Benayoun and Westfield disclose the invention substantially with regard to the parent claim 1, and further disclose said proxy means are



constituted of a program installed in said data processing device (the proxy means in Benayoun's proxy server is clearly implemented in software as illustrated by Benayoun's background of the art in [0040]).

21. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Benayoun and Westfield, as applied to claim 1, in further view of Heircourt (US Pub. No. 2001/0023451).

22. As to claim 7, Benayoun and Westfield disclose the invention substantially with regard to the parent claim 1, but do not explicitly disclose said Telnet client function corresponds to a proprietary function adapted to make an encapsulation of the Telnet commands included in the request sent by said help desk workstation to said data processing device including said proxy means, the latter means being adapted to get said Telnet commands from the encapsulated commands received from said desk workstation. Rather, Benayoun and Westfield disclose a workstation that communicates via with a proxy server (data processing device) but are silent with regard to the encapsulating of the Telnet commands and the transmission of encapsulated commands.

However, Hericourt discloses a proprietary function adapted to encapsulate Telnet commands ([0041], Socks reads on the function) and further transmit them to the destination devices ([0100]).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Benayoun and Westfield with Hericourt in order to gain secure access to systems located outside a local intranet (Hericourt, [0041]).


### ***Conclusion***

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Dailey whose telephone number is 571-270-1246. The examiner can normally be reached on Monday thru Friday; 9:00am - 5:00pm.
24. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2152

25. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
TJD  
4/5/2007

  
BUNJOB JAROENCHONWANIT  
SUPERVISORY PATENT EXAMINER